

01- R-0052

ADVERSED BY
CITY COUNCIL

ADVANCE REPORT

CONFIDENTIAL

1/16/01

CH. C. T. Martin

~~Henry~~
 Clara Van Glow
 C. G. W.

~~CONFIDENTIAL~~

100



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

January 26, 2001

Eugene C. Gillespie
3825 Peachtree Dunwoody Rd.
Atlanta, GA 30342

01-R-0052

Dear Mr. Gillespie:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0558

Date: December 12, 2000

Claimant /Victim EUGENE C. GILLESPIE

BY: (Atty)(Ins. Co.) _____

Address: 3825 Peachtree Dunwoody Road, Atlanta, Georgia 30342

Subrogation: _____ Claim for Property damage \$ not stated Bodily Injury \$ _____

Date of Notice: 09/06/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/00 - 08/00 Place: 3825 Peachtree Dunwoody Road

Department None Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that his property was damaged during the installation of fiber optic cable. The investigation determined that this work was performed by a private company, North Star Communications, who has repaired the damages to the claimant's property to his satisfaction.

INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 12-13-00

Committee Action: _____ Council Action _____

RCS# 2563
1/16/01
4:18 PM

Atlanta City Council

Regular Session

Claims

MULTIPLE

Unfavorable Items 9-33

01-R-0012	01-R-0023	ADOPT
01-R-0013	01-R-0024	
01-R-0014	01-R-0025	YEAS: 13
01-R-0015	01-R-0026	NAYS: 0
01-R-0016	01-R-0027	ABSTENTIONS: 0
01-R-0017	01-R-0044	NOT VOTING: 3
01-R-0018	01-R-0045	EXCUSED: 0
01-R-0019	01-R-0047	ABSENT 0
01-R-0020	01-R-0048	
01-R-0021	01-R-0049	
01-R-0022	01-R-0050	
	01-R-0051	01-R-0052

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

MULTIPLE